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10/606,385

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Rasmus Villefrance

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EXAMINER

BURROWES, LAWRENCE J

ART UNIT

PAPER NUMBER

2616

| SHORTENED STATUTORY PERIOD OF RESPONSE | MAIL DATE | DELIVERY MODE |
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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/606,385

Applicant(s)

VILLEFRANCE ET AL.

Examiner

LAWRENCE J. BURROWES

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>02/09/2005</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Note: That claim scope is not limited by claim language that suggest to makes optional but does not require steps to be performed, or by claim language that does not limit a claim to a particular structure, such as by using the term "adapted to" in claim 1 line 4, claim 17 line 1, claim 18 line 1, and claim 20 line 1 and line 3. Therefore claim language following this phrase usually will not be considered but will be considered in the rejection to shorten prosecution. It is suggested applicant remove this term.

Specification

2. The lengthy specification has not been checked to the extent necessary to determine the presence of all possible minor errors. Applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-9, 17 and 18 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

For claim 1, the applicant's recitation is a single means claim. The electric modules are not part of the system as claimed and unclear as to what the system is made up of.

Claims 2-9 are rejected because they depend on claim 10.

For claims 17 and 18, the applicant's recitation is a single means claim claiming a receiver and a transmitter but not what they are conceived of.

5. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6. Claims 2, 6 and 13 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding claim 2 line 3, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

7. Claim 6 and 13 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: there is no associated name of the field that used for buffering.

Claim Rejections - 35 USC § 101

8. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-16, 19 and 20 are rejected under 35 U.S.C. 101 because of the claimed invention is directed to non-statutory subject matter.

For claims 10-16, applicant is claiming signal and data, which is a signal per se.

For claim 20, applicant is claiming a computer program, which is a program per se.

Claim 19 is rejected under 35 U.S.C. 101 because the claimed invention lacks patentable utility.

For claim 19, falls within a statutory category and includes a judicial exception but has no practical application.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.

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3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

11. Claims 1-3, 5, 7, 8, 10-12, 14, 15, 17-19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips Semiconductors "The I2C-bus Specification" in view of Erickson et al (5,768,618) hereafter Erickson.

For claims 1-3, 5, 7, 8, 10-12, 14, 15, 17-19 and 20, Phillips Semiconductors disclose data communication between a plurality of electronic modules connected to an I2C bus (see page 7 Figure 2), the electronic modules comprise a mobile communication device peripherals (see Figure 1(b), cordless phone), a transmitter (see Page 7 Table 1) and a receiver (see Page 7 Table 1).

Phillips Semiconductors disclose all of the subject matter of the claimed invention except a data package comprising in a layered structure a physical layer complying with I2C specifications, a data link layer comprising first header field for data payload type and a second header field for a data link layer version, and a network/transport layer comprising a third header field for a transmitting electronic module's address, a fourth header field for a length of said data package, and comprising data payload.

Erickson from the same or similar fields of endeavor teaches a data package comprising in a layered structure (see Figure 6 Box 602), a data link layer comprising first header field for data payload type (see Figure 6 Box 606, Service Type) and a second header field for a data link layer version (see Figure 6 Box 606, Version=4), and a network/transport layer comprising a third header

field for a transmitting electronic module's address (see Figure 6 Box 606, Address of Source), a fourth header field for a length of said data package (see Figure 6 Box 606, Total Length), and comprising data payload (see Figure 6 Box 610, User Data).

For claims 3 and 10, Erickson teaches a data payload type comprises any proprietary payload type (see Figure 6 Box 610, Ethernet/IP/TCP).

For claims 5 and 11, Erickson teaches an offset value for determination of data payload start (see Figure 6 Box 606, fragment offset)

For claims 7 and 14, Erickson teaches a checksum field (see Figure 6 Box 606, IP header checksum)

For claims 8 and 15, Erickson teaches a data package number (see Figure 6 Box 606, datagram ID)

Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to use the data packet fields in the I2C bus system. The data packet fields can be modified/implemented into the I2C bus system by programming the modules to include the fields. The motivation to do so would be so that the packets would reach the desired module on the bus.

12. Claim 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips Semiconductor, in view of Erickson, and further in view of Shuen (5,572,528).

For claim 4, Phillips Semiconductor in view of Erickson teach the system according to the limitation for claim 1 above with exception of the data link layer

comprises a major version, which is binary incompatible, and a minor version, which is binary compatible. Shuen from the same or similar fields of endeavor teaches the data link layer comprises a major version, which is binary incompatible (see Figure 11 Box 450A), and a minor version, which is binary compatible (see Figure 11 Box 450B). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/implement the data link layer versions into the package of Erickson. The motivation to do so would be so that the version of the protocol stack used could be easily adapted to any interface receiving the package.

13. Claims 9 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Phillips Semiconductor, in view of Erickson, and further in view of Lo et al (5,911,044) hereafter Lo.

For claims 9 and 16, Phillips Semiconductor in view of Erickson teach the system according to the limitation for claims 1 and 10 above with exception of a data package sequence number. Lo from the same or similar fields of endeavor teaches a data package sequence number (see Figure 6 Box 190). Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to modify/implement the sequence number field into the package of Erickson. The motivation to do so would be in order to determine the order in which packets should be combined if there is fragmented packets.

Conclusion

14. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Cohen et al (5,737,595) and Mach (7,093,040).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to LAWRENCE J. BURROWES whose telephone number is (571) 270-1419. The examiner can normally be reached on Monday - Thursday 8am - 2pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wing F. Chan can be reached on (571) 272-7493. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LJB



WING CHAN
SUPERVISORY PATENT EXAMINER